



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

MAILED

JUN 19 2009

OFFICE OF PETITIONS

EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE MD 20850

In re Application of :
Charles S. Roberson :
Application No. 09/533,421 : DECISION ON RENEWED PETITION
Filed: March 22, 2000 : PURSUANT TO 37 C.F.R.
Attorney Docket Number: : § 1.137(B)
0370.0724C :
Title: METHOD AND APPARATUS FOR :
CONTROLLING THE OPERATION OF A :
FLEXIBLE CROSS-CONNECT SYSTEM :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed on June 1, 2009, to revive the above-identified application.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed June 2, 2006, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on September 3, 2006. A notice of abandonment was mailed on January 10, 2007.

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on March 6, 2009, and was dismissed via the mailing of a decision on May 5, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With the original petition pursuant to 37 C.F.R. § 1.137(b), Petitioner submitted the petition fee and the proper statement of unintentional delay. Petitioner further indicated that a continuation application was filed concurrently with the original petition.

The decision on the original petition pursuant to 37 C.F.R. § 1.137(b) indicated that the first two requirements of Rule 1.137(b) had been met, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included a statement of facts that establishes that the entire period of delay was unintentional, and as such, the third requirement of Rule 1.137(b) has been satisfied.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing Application No. 12/399,742.

¹ See Rule 1.137(d).

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over a horizontal line.

Anthony Knight
Supervisor
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).